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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,872	02/28/2007	Cliff Aaby	2878-46US.28PCT	8680

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EXAMINER	
CHOKSHI, PINKAL R	
ART UNIT	**PAPER NUMBER**
2425	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,872	AABY ET AL.	
	Examiner	Art Unit	
	PINKAL CHOKSHI	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/4/2008 with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Furthermore, regarding claim 2, Applicant alleges that the Kwoh does not teach the insertion of markers indicating a rating of content. Examiner disagrees. Kwoh discloses (col.17, lines 32-45) that the rating data is embedded in the VBI signal to mark the video segment for control of viewing of the rated video segment as represented in Fig. 23 and 24. The rejection is maintained. Furthermore, regarding claim 3, Applicant asserts that that DePrez does not teach an indication of a marker indicating proximity to an advertisement in the stream. Examiner disagrees. DePrez discloses (¶0205) that the system delivers video program content and trigger advertisement, wherein advertisement can appear when the video program is stopped or paused. Basically, advertisement is inserted when paused marker is detected in the stream. The rejection is maintained. Furthermore, regarding claim 4, Applicant alleges that the DePrez does not scan for restricting condition. Examiner disagrees. DePrez discloses (¶0058) that the authorization check is performed for the programs to determine if the user is authorized to view the program after the program is provided. The rejection is maintained. With regard to the dependent claims, the respective rejections are maintained as Applicant has only argued that the secondary references do not cure the deficiencies of DePrez, nevertheless it is the Examiner's contention that DePrez does not contain any deficiencies. Claims were rejected based on the reference as a whole

and not just the particular paragraphs sighted by the Examiner. See the new rejection below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim 2** is rejected under 35 U.S.C. 102(b) as being anticipate by US Patent 6,115,057 to Kwoh et al (hereafter referenced as Kwoh).

Regarding **claim 2,** "a content on demand system" reads on a device for entering a rating level for controlling viewing of a program (abstract) disclosed by Kwoh and represented in Figs. 23 and 24.

As to "system comprising: logic to deliver at least one audio and/or video stream and to insert markers in the at least one stream, the markers indicating a rating of content of the stream proximate to a position of the marker" Kwoh discloses (col.17, lines 32-45) that the television system delivers video stream and insert a rating data at the beginning to mark the beginning of a rated video segment and at the end of a video segment to mark the end of the video segment or embed the rating data in the VBI to mark the video segment for control viewing of the rated video segment as represented in Figs. 23, 24, and 26.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 3-8 and 10-15** are rejected under 35 U.S.C. 102(e) as being anticipated by US PG Pub 2003/0188316 to DePrez et al (hereafter referenced as DePrez).

Regarding **claim 3,** "a content on demand system" reads on the system for providing a stored program to a user for playback (abstract) disclosed by DePrez and represented in Fig. 1.

As to "system comprising: logic to deliver at least one audio and/or video stream and to insert markers in the at least one stream, the markers indicating a proximity to advertisements in the at least one stream" DePrez discloses (¶0205) that the system delivers video program content and trigger advertisement, wherein advertisement can appear when the video program is stopped or paused.

Regarding **claim 4,** "a set top box comprising: logic to scan an audio and/or video stream for markers and when one or more markers indicate a restricting condition, inhibiting rendering and/or navigation of the audio and/or

video stream according to the restricting condition" DePrez discloses (¶0071, ¶0091 and ¶0092) that based on the control information received by STB, it determines whether or not to authorize to playback control of a program selection as represented in Fig. 7.

Regarding **claim 5,** "the set top box wherein the restricting condition further comprises: proximity of an end of the audio and/or video stream" DePrez discloses (¶0099) that the system monitors the total time remaining for the program when the program is activated.

Regarding **claim 6,** "the set top box wherein the restricting condition further comprises: proximity of an advertisement in the audio and/or video stream" DePrez discloses (¶0205) that the advertisement appears when the program is stopped or paused.

Regarding **claim 7,** "the set top box wherein the restricting condition further comprises: a rating of content of the audio and/or video stream" DePrez discloses (¶0099) that the system monitors a content rating for the program when the program is activated.

Regarding **claim 8,** "the set top box wherein the logic to inhibit rendering and/or navigation of the audio and/or video stream further comprises: logic to

inhibit at least one of fast forward, rewind, pausing, skipping, or playing of the audio and/or video stream" DePrez discloses (¶0103 and ¶0104) that the controller in STB determines whether the user is authorized to view the program content. If user is not authorized, then access to playback control such as Fast forward, rewind, or pause is prevented.

Regarding **claim 10,** "the set top box further comprising: logic to terminate rendering of the audio and/or video stream when an insufficient number of markers are detected within a time interval" DePrez discloses (¶0099) that the system monitors program information (marker) in the content and when there are no information provided, then the system stops club program content and returns to user's regular programming as represented in Fig. 7A (elements 766, 712).

Regarding **claim 11,** "the set top box further comprising: logic to enable rendering and/or navigation of the audio and/or video stream when a marker indicating an end to the restricting condition is encountered in the audio and/or video stream" DePrez discloses (¶0203) that the process for verifying authorized playback of a program where a timer used to prevent excessive viewing while waiting for a response on authorization. If timer expires while waiting for continued viewing to be authorized, then it causes viewing of the program to stop. DePrez further discloses (¶0204) that the user is directed to watch the original program after authorized program timer's stop.

Regarding **claim 12,** "the set top box wherein the restricting condition further comprises: proximity of an end of the audio and/or video stream" DePrez discloses (¶0099) that the system monitors the total time remaining for the program when the program is activated.

Regarding **claim 13,** "the set top box wherein the restricting condition further comprises: proximity of an advertisement in the audio and/or video stream" DePrez discloses (¶0205) that the advertisement appears when the program is stopped or paused.

Regarding **claim 14,** "the set top box wherein the restricting condition further comprises: a rating of content of the audio and/or video stream" DePrez discloses (¶0099) that the system monitors a content rating for the program when the program is activated.

Regarding **claim 15,** "the set top box wherein the logic to enable rendering and/or navigation of the audio and/or video stream further comprises: the logic to enable at least one of fast forward, rewind, pausing, skipping, or playing of the audio and/or video stream" DePrez discloses (¶0103 and ¶0104) that the controller in STB determines whether the user is authorized to view the program

content. If user is not authorized, then access to playback control such as Fast forward, rewind, or pause is prevented.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,721,829 to Dunn et al (hereafter referenced as Dunn) in view of US PG Pub 2004/0261128 to Fahy et al (hereafter referenced as Fahy).

Regarding **claim 1,** "a content on demand system" reads on the user interface unit that is operable in a VOD mode to order and receive video content programs from head-end (abstract) disclosed by Dunn and represented in Fig. 1.

As to "system comprising: logic to deliver at least one audio and/or video stream and to insert markers in the at least one stream, the markers indicating a position in the at least one stream" Dunn discloses (col.2, lines 4-18 and abstract) that the STB receives video content programs from headend. Dunn further discloses (col.6, lines 46-50) that when user pause VOD content, system stops transmission of program content and insert pointer to identify this pause point as represented in Fig. 4.

As to "logic to receive from a set top box a marker obtained from the stream for an audio and/or video stream for which the set top box has paused or suspended viewing, and upon a signal from the set top box to resume streaming of the audio and/or video stream from a position proximate to the marker" Dunn discloses (col.6, lines 26-27) that the STB transmits a pause message containing a viewer/device id to the headend. Dunn further discloses (col.2, lines 8-18; col.7, lines 9-19) that when viewer changes from the VOD to a regular channel, headend automatically pause transmission of VOD program, and resume transmission of VOD program based on the program ID and pause point. Dunn further discloses (col.6, lines 46-50) that the system uses a pointer (marker) to identify the pause point of the VOD program in the memory location that matches to the juncture of the program when paused.

Dunn meets all the limitations of the claim except "a marker is in the stream and obtained from the stream." However, Fahy discloses (¶0023, ¶0025, and ¶0038) that the markers, which identify points within the stream where the bookmarks can be inserted, are included in the program stream received from the head-end as represented in Fig. 3. Therefore, it would have been obvious to one of the ordinary skills in the art at the time on the invention to modify Dunn's system by using a stream with markers already presented in the stream as taught by Fahy in order to provide accurate place of start/end point of the program.

8. **Claims 9 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over DePrez et al in view of Kwoh et al.

Regarding **claim 9,** DePrez meets all the limitations of the claim except "the set top box wherein logic to inhibit rendering and/or navigation of the audio and/or video stream further comprises: logic to inhibit at least one of viewing or listening of the audio and/or video stream when the rating is mature content." However, Kwoh discloses (col.16, lines 54-61) that when R rating start data is detected, the receiver blocks the R rated video segment for the television screen. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify DePrez's system by blocking R/Mature rated content from viewing as taught by Kwoh in order to provide parental control which prevents the children from viewing the unsuitable content (col.1, lines 54-56).

Regarding **claim 16,** DePrez meets all the limitations of the claim except "the set top box wherein the logic to enable rendering and/or navigation of the audio and/or video stream further comprises: the logic to enable at least one of viewing or listening of the audio and/or video stream when the rating is no longer mature content." However, Kwoh discloses (col.16, lines 54-61) that when R rating start data is detected, the receiver blocks the R rated video segment for the television screen. When R rating end data is detected, the display of G rated video continues. Therefore, it would have been obvious to one of the ordinary

skills in the art at the time of the invention to modify DePrez's system by blocking R/Mature rated content from viewing as taught by Kwoh in order to provide parental control which prevents the children from viewing the unsuitable content (col.1, lines 54-56).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.C.
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425